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13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15 AT SAN DIEGO

16 DIANE BEALL fka TEMPLIN,

17 Plaintiff,

18 vs.

19 QUALITY LOAN SERVICE CORP.;
20 ONEWEST BANK, F.S.B.; and
21 DOES 1-10,

22 Defendants.

Case No. 10-CV-1900 IEG(WVG)

REPLY IN SUPPORT OF AND
NOTICE OF NON-OPPOSITION TO
MOTION TO DISMISS AMENDED
COMPLAINT FOR FAILURE TO
STATE A CLAIM [FRCP 12(b)(6)]

Date: March 7, 2011

Time: 10:30 a.m.

Ctrm: 1

Judge: Hon. Irma E. Gonzalez

23 Defendant OneWest Bank, F.S.B. ("OneWest") files this reply in support of
24 its pending Motion to Dismiss the Amended Complaint of Plaintiff Diane Beall fka
25 Templin (the "Motion") to advise the Court that the Motion remains unopposed.
26 Under Southern District Local Rule 7.1(e)(2), Plaintiff's last day to oppose the
27 Motion was February 18, 2011. To date, Plaintiff has not opposed or otherwise
28 responded to the Motion. Southern District Local Rule 7.1(f)(3)(c) provides that the
failure to file any required paper, or the failure to file it within the deadline, may be
deemed consent to the granting of the motion. See also Ghazali v. Moran, 46 F.3d

1 52 (9th Cir. 1995); Brydges v. Lewis, 18 F.3d 651 (9th Cir. 1993). Accordingly,
2 OneWest respectfully requests that the Court grant the Motion.

3
4 Dated: February 22, 2011

ALLEN MATKINS LECK GAMBLE
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RYAN T. WAGGONER
DAVID R. ZARO

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6
7 By: /s/ Ryan T. Waggoner

RYAN T. WAGGONER
Attorneys for Defendant
ONEWEST BANK, FSB

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) and not a party to this action. My business address is 515 South Figueroa Street, Ninth Floor, Los Angeles, California 90071-3309.

On February 22, 2011, I served the within document(s) described as:

REPLY IN SUPPORT OF AND NOTICE OF NON-OPPOSITION TO
MOTION TO DISMISS AMENDED COMPLAINT FOR FAILURE
TO STATE A CLAIM [FRCP 12(b)(6)]

with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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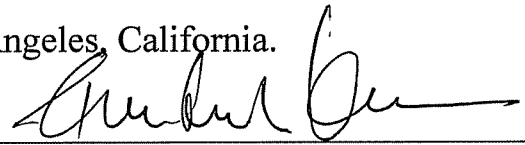
☐ **COURTESY COPY BY MAIL:** I placed a true copy of the document in a sealed envelope or package addressed as indicated above in Los Angeles, California for collection and mailing pursuant to the firm's ordinary business practice. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **COURTESY COPY BY DIRECT E-MAIL:** I caused a true copy of the document to be sent to the persons at the corresponding electronic address as indicated above from fkalve@allenmatkins.com. I am readily familiar with this firm's Microsoft Outlook electronic mail system and did not receive an electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on February 22, 2011, at Los Angeles, California.

Frederick Kalve
(Type or print name)


(Signature of Declarant)